

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRAIG BUCK, KENNETH MICCICHE,
VALERIE L. PAWSON, CAROLINE
MARSHALL-SMITH, WANDA MILLS; JEFF
GOLUMBUK, ANESIA KALAITZIDIS,
ATHANASE KARAGIORGOS; AND
JENNIFER TSOUVRAKAS, on behalf of
themselves and others,

Plaintiffs,

v.

ALASKA AIRLINES, AMERICAN
AIRLINES, CONTINENTAL AIRLINES,
DELTA AIR LINES, INC., NORTHWEST
AIRLINES, SOUTHWEST AIRLINES CO.,
d/b/a SOUTHWEST AIRLINES, CHINA
EASTERN AIRLINES CORP. LTD, CHINA
SOUTHERN AIRLINES CO. LTD., AER
LINGUS LIMITED, ALITALIA-LINEE
AEREE ITALINE S.P.A., D/B/A ALITALIA
AIRLINES, BRITISH AIRWAYS, PLC, D/B/A
BRITISH AIRWAYS, DEUTSCHE
LUFTHANSA, A.G., D/B/A LUFTHANSA
AIRLINES, OLYMPIC AIRWAYS-
SERVICES, SA, D/B/A OLYMPIC
AIRWAYS, AIR TRANSPORT
ASSOCIATION OF AMERICA, INC.,
AIRLINES REPORTING CORP., AND THE
FEDERAL AVIATION ADMINISTRATION

Defendants.

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04 12558 NMG
:
: **CHINA EASTERN'S**
: **MOTION TO DISMISS FOR**
: **LACK OF PERSONAL**
: **JURISDICTION**

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Defendant China Eastern Airlines Company Limited (hereinafter "CHINA EASTERN"),
hereby moves, pursuant to the requirements of Rule 12(b)(2) of the Federal Rules of Civil
Procedure, to dismiss the claims asserted by the plaintiff on the grounds that the Court lacks

personal jurisdiction over CHINA EASTERN.

As grounds for its motion, CHINA EASTERN refers the Court to the Memorandum in Support of Motion to Dismiss for Lack of Personal Jurisdiction, as well as the Declaration of Mr. Gion Qiao Yi in support of CHINA EASTERN's Motion to Dismiss for Lack of Personal Jurisdiction which are filed herewith.

WHEREFORE, CHINA EASTERN respectfully requests that its motion be allowed.

REQUEST FOR ORAL ARGUMENT

Defendant CHINA EASTERN respectfully requests oral argument on its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(2) in order to assist the Court in resolving the issues raised.

Dated: September 21, 2005

By: /s/ Kathleen M. Guilfoyle
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/s/ Kathleen M. Guilfoyle
Kathleen M. Guilfoyle

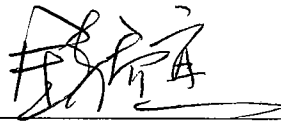
UNITED STATES DISTRICT COURT
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ROBERT J. HARRINGTON, FAYE BYRON,	:	
CRAIG BUCK, VALERIE L. PAWSON,	:	04 12558 NMG
RAY DRASNIN, WANDA MILLS, JEFF	:	
GOLUMBUK, CAROLINE MARSHALL-	:	
SMITH, ANESIA KALAITZIDIS,	:	DECLARATION OF MR. QIAN
KENNETH IVANOVITZ, ATHANASE	:	QIAO YI IN SUPPORT OF
KARAGIORGOS, HARRIET ZALWANGO.	:	CHINA EASTERN'S MOTION
MICHAEL BLAU, KENNETH MICCICHE	:	TO DISMISS FOR LACK OF
and JENNIEE TSOUVRAKAS, on behalf of	:	PERSONAL JURISDICTION
themselves and others,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
DELTA AIRLINES, INC., AMERICAN	:	
AIRLINES, US AIRWAYS GROUP, INC.,	:	
d/b/a US AIRWAYS, NORTHWEST	:	
AIRLINES, UNITED AIRLINES, INC.,	:	
ALASKA AIRLINES, CONTINENTAL	:	
AIRLINES CORPORATION LIMITED,	:	
CHINA SOUTHERN AIRLINES COMPANY	:	
LIMITED, DEUTSCHE LUFTHANSA, A.G.,	:	
d/b/a LUFTHANSA AIRLINES, SWISS	:	
INTERNATIONAL AIRLINES LTD., d/b/a	:	
SWISSAIR, BRITISH AIRWAYS, PLC, d/b/a	:	
BRITISH AIRWAYS, MIDWAY AIRLINES	:	
CORP., d/b/a MIDWAY AIRLINES,	:	
ALITALIA-LINEE AEREE ITALIANE S.p.A.,	:	
d/b/a ALITALIA AIRLINES, SOUTHWEST	:	
AIRLINES, CO., d/b/a SOUTHWEST	:	
AIRLINES, CHINA EASTERN AIRWAYS-	:	
SERVICES, SA, d/b/a CHINA EASTERN	:	
AIRWAYS and AIR TRANSPORT	:	
ASSOCIATION,	:	
	:	
Defendants.	:	
-----X	:	

Mr. Qian Qiao Yi declares and states:

1. My name is Qian Qiao Yi. I am over the age of 21. I have never been convicted of a felony or a crime of moral turpitude. I am of sound mind and am mentally competent in all respects to make this affidavit and take this oath. The facts contained within this affidavit are based upon my personal knowledge and the files maintained in the offices of China Eastern.
2. I am the United States general manager of China Eastern Airlines Company Limited (hereinafter "China Eastern") located in California.
3. I am submitting this declaration in support of the motion by China Eastern to dismiss the complaint filed by plaintiffs in the above captioned case for lack of personal jurisdiction over China Eastern.
4. China Eastern is a corporation organized under the laws of China with its principal place of business located at Shanghai, China. China Eastern is an airline engaged in international transportation and domestic air transportation within China.
5. China Eastern operates no flights to Massachusetts and has never operated flights to Massachusetts.
6. China Eastern has no permanent employees in Massachusetts.
7. China Eastern has no offices in Massachusetts.
8. China Eastern has no bank accounts in Massachusetts.
9. China Eastern does not advertise in Massachusetts through local newspapers, magazines, radio or television.
10. China Eastern does not conduct any charter flights or tours originating or ending in Massachusetts.
11. China Eastern is not a code share partner on any flights operated by another airline which originate or end in Massachusetts.
12. China Eastern has never owned, rented or leased any property of any kind in Massachusetts. It has no personal property there.
13. China Eastern does not purchase aircraft or aircraft parts from entities in Massachusetts.

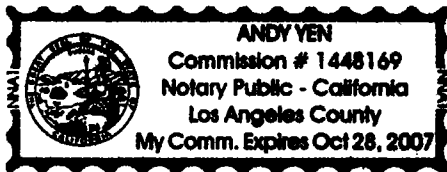
14. China Eastern is not registered to do business in Massachusetts.
15. China Eastern has never had a registered agent in Massachusetts.
16. China Eastern has never had a post office box in Massachusetts.
17. China Eastern has never had a telephone number or mail drop in Massachusetts.
18. China Eastern has a website which can be viewed worldwide, although the English translation function and credit card purchase function have generally not been operational. Because of these technical problems, China Eastern has no record of tickets being purchased via the website by Massachusetts citizens.
19. China Eastern has a contract with one travel agent located in Massachusetts who began selling China Eastern tickets in 2005 and who has made limited ticket sales, \$320,595.99 on sales to 352 passengers, as of August 9, 2005.
20. Plaintiff, Jeff Golumbuk purchased a ticket on a China Eastern flight from Los Angeles to Beijing, China in September, 2002.
21. The ticket was purchased from Holt Travel & Tours which is located in California.

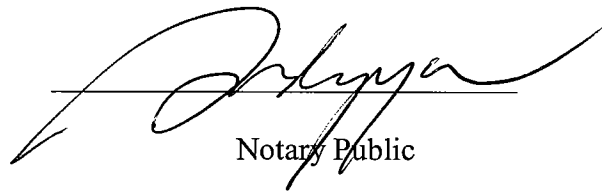
A handwritten signature in black ink, appearing to be 'Qian Qiao Yi', written over a horizontal line.

Mr. Qian Qiao Yi

Personally appeared before me, Qian Qiao Yi, who being duly sworn, stated that the foregoing affidavit is true and correct to the best of his knowledge, information, and belief.

Sworn to this ^(A) ~~6th~~ ^{September} day of August, 2005.




Notary Public

My Commission Expires:

Oct 28, 2005